



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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March 28, 1994

Certified Return Receipt  
P 074 978 890

Mr. Farrell Larson  
Larson Limestone Company  
P.O. Box 366  
Lehi, Utah 84043

Re: Notice of Non-Compliance, Larson Limestone Company (LLC), Larson Limestone Quarry, S/049/011, Utah County, Utah

Dear Mr. Larson:

This letter is sent to notify you that your mining operation is not in compliance with sections 40-8-13 (1) (a), (c), and 40-8-14 (1) of the Utah Mined Land Reclamation Act (Act) and the Minerals Reclamation Program Rules (Rules) R647-1-102.3, R647-3-113, R647-4-101, and R647-4-113.

### Location of Non-Compliance

The location of non-compliance is the LLC Limestone Quarry located in the NE 1/4 of Section 31, Township 6 South, Range 1 East, Salt Lake Base Meridian, Utah County, Utah.

### Finding of Non-Compliance

On March 17, 1994, Division of Oil, Gas and Mining (Division) staff members (Wayne Hedberg, Tony Gallegos, and Travis Jones), and Buck Rose of Utah County, performed an inspection of your site to determine the extent of the disturbed area as defined in the Act and the Rules. Measurements taken during this inspection were then tabulated by the Division on the following day. The measurements confirm a mine site disturbance greater than five acres for the LLC Limestone Quarry operations. A copy of the calculation sheet and field sketch is enclosed.

Section 40-8-13 (1) (a) of the Act requires an operator to file a notice of intention before beginning mining operations. Section 40-8-1 (c) of the Act requires the notice of

intention for mining operations other than small mining operations **to include a plan for reclamation of the lands affected** as required by rules promulgated by the board. Rule R647-1-102.3 states that the approval or acceptance of a complete notice of intention **shall not relieve** an operator from his responsibility to comply with the applicable statutes, rules, regulations, and ordinances of all local, state and federal agencies with jurisdiction over any aspect of the operator's mining operations, including **local county or municipal governments**. According to Rule R647-3-113, before enlarging a small mining operation beyond five (5) acres of surface disturbance, the operator **must file** a Notice of Intention to Commence Large Mining Operations (Form MR-LMO) and **receive Division approval**. According to Rule R647-4-101, a Notice of Intention to Commence Large Mining Operations or a letter containing all the required information **must be approved by the Division before** mining operations begin. According to Rule R647-4-113, after receiving notification that the notice of intention has been approved, **but prior to commencement of operations**, the operator **shall provide** the reclamation surety to the Division.

LLC has not yet complied with the Utah County ordinances dealing with bonding and business licensing. Utah County has been waiting for this Division to verify the site as a small or large mining operation. LLC is presently operating on a disturbed area greater than five acres without an approved notice of intention to commence large mining operations. LLC has not posted a reclamation surety. Therefore, the LLC Limestone Quarry is not operating in compliance with the above referenced portions of the Act or the Rules.

LLC may also be in violation of section 40-8-9 of the Act which address willful and knowing violation of the Act. Division files indicate the site was suspected as having exceeded five acres as early as 1990, and that in 1992, LLC was informed of the possibility of exceeding five acres in a copy of a Division inspection memo.

#### Mitigation Requirements

The following is a list of mitigative actions to be performed in order to remedy this situation of non-compliance:

1. LLC must submit a complete and technically adequate Notice of Intention to Commence Large Mining Operations (NOI-LMO) to the Division. The first draft of the NOI-LMO must be received by the Division no later than the close of business (5:00 PM) **May 16, 1994**. The NOI-LMO application should be in a form suitable for the Division to make a tentative approval decision by **August 30, 1994**.
2. LLC must submit an interim reclamation surety to the Division no later than the close of business (5:00 PM) **April 29, 1994**. The interim surety will be based on the Division's 3/17/94 approximation of 20 acres of total surface disturbance. Until a

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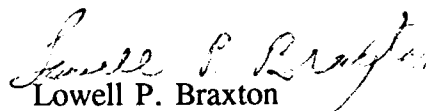
site specific reclamation surety can be determined, the interim surety will be based on an average reclamation cost of \$2,500 per acre. A total interim surety amount of **\$50,000** will be required. This interim surety will be revised/adjusted when the details of the mining and reclamation plan are finalized as part of the NOI-LMO permitting process. The disturbed acreage and total surety amount will be subject to change depending upon the information in the final version of the NOI-LMO. The interim surety will be revised at the time tentative approval is reached for the NOI-LMO. LLC may present the interim surety to the Division in the form of a surety bond, cash, an irrevocable letter of credit, or a certificate of deposit. Please contact the Division for a copy of the appropriate reclamation surety forms and Reclamation Contract (FORM MR-RC) when you have decided which type of surety you wish to post.

#### Consequences of Continued Non-Compliance

Failure to comply with the mitigative measures within the time frames set forth in this Notice of Non-Compliance, may result in the issuance of a Notice of Agency Action. A Notice of Agency Action would require you to appear before the Board of Oil, Gas and Mining at a formally scheduled hearing. After notice and hearing, pursuant to rule and statute, the Board may enter an Order requiring abatement or other appropriate action as deemed necessary. The Order may include one or a combination of the following actions: issuance of a compliance or abatement order; cessation of mining operations; immediate reclamation of the land affected; or other lawful remedies.

Please find enclosed a copy of the Large Mining Operations section of the Rules and a NOI-LMO form for your use. Division files are available during regular business hours if you or your consultant wish to review examples of approved NOI-LMOs for reference in assembling and formatting your permit application. Please contact me, D. Wayne Hedberg or Tony Gallegos if we can assist you in resolving or clarifying this non-compliance issue.

Sincerely,

  
Lowell P. Braxton  
Associate Director

jb  
enclosures  
cc: Tom Mitchell, Assistant Attorney General  
Buck Rose, Utah County  
Minerals staff (route)  
S49-11tg.non

## DISTURBED AREA SUMMARY

DRAFT

Larson Limestone Company - Larson Limestone Mine

filename S49-11DA.WB1

S/049/011

Utah County

last revision 03/22/94

Prepared by State of Utah, Division of Oil, Gas &amp; Mining

author = aag

Dimensions are based on measurements taken on site 3/17/94

Measurements were taken using a "Topometric Products Inc". Hip-Chain &amp; vehicle odometer

Approximate shapes &amp; locations of areas measured were sketched on the geological map of the site

This information is not based on a certified survey of the site; it is an approximation only

MAP ID	Area Description	geometric shape	length-1 (feet)	length-2 (feet)	width (feet)	height-1 (feet)	height-2 (feet)	dia. (feet)	Area (acres)
1	upper bench	triangle	123	136	118				0.16
2	pit-l (upper pit area)	tapezoid	218	71		180	188		0.61
3	road a (upper road section)	rectangle	431		14				0.14
4	road b (upper road section)	rectangle	207		16				0.08
5	road c (upper road section)	rectangle	445		14				0.14
6	road c-c (upper road to curve)	rectangle	1,320		14				0.42
7	bone yard west	circle						140	0.35
8	bone yard east	circle						115	0.24
9	road e (curve to north stockpile)	rectangle	300		14				0.10
10	bus-tanks-tires	rectangle	258		98				0.58
11	coarse stockpile near b-t-t	trapezoid	82	60		129			0.21
12	north stockpile-north end	rectangle	170		135				0.53
13	north stockpile-midsection	rectangle	320		182				1.34
14	north stockpile-south end	rectangle	192		162				0.71
15	pad area-south of N stockpile	triangle	225	225	118				0.29
16	road d (stockpile to crusher)	rectangle	208		35				0.17
17	crush/load-north end	rectangle	165		95				0.36
18	crush/load-midsection	rectangle	300		180				1.24
19	crush/load-south end	rectangle	295		180				1.22
20	south talus slope adj. to pit	rectangle	420		300				2.89
21	stockpile-scale-storage-new bldg	rectangle	1,300		250				7.46
22	main access road	rectangle	1,848		30				1.27
23	main quarry/pit area -NOT INCLUDED								0
24	turnout near foundation-NOT INCLUDED								0
25	turnout along upper road-NOT INCLUDED- --PRE-LA								0

Approximate Total Disturbed Area (uncorrected) 20.51

DRAFT

acres

State Lease

Mh

